

The opinion in support of the decision being entered today was **not** written for publication and is **not** binding precedent of the Board.

Paper No. 30

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte ALBRECHT STAHL

Appeal No. 1999-1607
Application No. 08/820,238

ON BRIEF

Before HAIRSTON, KRASS, and BLANKENSHIP, Administrative Patent Judges.

HAIRSTON, Administrative Patent Judge.

DECISION ON APPEAL

This is an appeal from the final rejection of claims 1 through 3.

The disclosed invention relates to a weighing cell for an electronic balance that has a capacitor formed by two metallic plates. One side of one of the two metallic plates faces the other metallic plate, and the other side of the one metallic plate has electrical circuit components mounted thereon.

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Claim 1 is the only independent claim on appeal, and it reads as follows:

1. A weighing cell for an electronic balance having electrical circuit components, defining two sidewalls which are displaced parallel to each other as a function of a weight placed on the balance, and including two metallic plates which move relative to each other and together form a capacitor with capacitances that change as a function of said relative movement caused by the weight placed on the balance, wherein one of said plates defines a printed circuit board, having two sides with one side facing said other of said plates, and being provided with a metallic layer, and the other side supporting electrical circuit components of the balance.

The references relied on by the examiner are:

Bell	4,295,376	Oct.
20, 1981		
Sato	4,846,294	July
11, 1989		

Claims 1 through 3 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Sato in view of Bell.

Reference is made to the final rejection (paper number 18), the answer (paper number 24), and the briefs (paper numbers 23 and 25) for the respective positions of the examiner and the appellant.

OPINION

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We have carefully considered the entire record before us, and we will reverse the obviousness rejection of claims 1 through 3.

According to the examiner (final rejection, page 2):

Sato discloses the claimed invention except for the driving circuitry is not supported on one of the plates which form the capacitive sensor. Bell teaches that it is known to form the driving circuitry on one of the plates which form the capacitive sensor (Col. 8, ln.s 12-21). It would have been obvious to one of ordinary skill in the art to form the driving circuitry of the weight sensor of Sato on one of the capacitive plates of the sensor, as taught by Bell, to save space.

In response to the examiner's rejection, appellant argues (brief, page 4) that the electrical components 12 in Bell's device are not mounted in the claimed manner because they are located on an extension 17 that is adjacent to the diaphragm/capacitor plate 18.

In rebuttal, the examiner indicates (answer, page 5) that "even if the claim language could be interpreted to limit the applicant's claimed invention to an embodiment where the circuit components of the force sensor of the present invention are located on the backside of a part of the moving plate which actually moves rather than on an integral extension of the

moving plate where the extension itself does not move, it has been held that merely rearranging the parts of an invention, where the rearrangement itself does not significantly affect the operation of the device, involves only routine skill in the art."

Appellant argues (brief, page 5; reply brief, pages 2 and 3) that the disclosed and claimed mounting arrangement of the electrical circuitry on the backside of the capacitor plate was developed to save space (specification, page 2, lines 15 through 18). Thus, appellant concludes (reply brief, pages 2 and 3) that "if the plate of Bell is utilized, it would necessarily increase the size of Sato's device significantly." We agree. More importantly, we disagree with the examiner's unsupported contention that it would only be a matter of routine skill in the art to locate the electrical circuit components in the manner claimed by appellant.

In summary, the rejection of claims 1 through 3 is reversed because the examiner has not presented a prima facie case of obviousness.

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DECISION

The decision of the examiner rejecting claims 1 through 3 under 35 U.S.C. § 103(a) is reversed.

REVERSED

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Application No. 08/820,238

KENNETH W. HAIRSTON)	
Administrative Patent Judge)	
)	
)	
)	
)	BOARD OF PATENT
ERROL A. KRASS)	APPEALS
Administrative Patent Judge)	AND
)	INTERFERENCES
)	
)	
)	
HOWARD B. BLANKENSHIP)	
Administrative Patent Judge)	

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JUDGE HAIRSTON

APPEAL NO. 1999-1607

APPLICATION NO. 08/820,238

APJ HAIRSTON

APJ BLANKENSHIP

APJ KRASS

DECISION: **REVERSED**

PREPARED: Jul 18, 2002

OB/HD

PALM

ACTS 2

DISK (FOIA)

REPORT

BOOK